



PLANNING AND ZONING COMMISSION MEETING AGENDA

Notice is hereby given of a **Regular Meeting** of the La Porte **Planning and Zoning Commission** to be held on **Thursday, September 19, 2019** at 6:00 p.m. at City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. August 15, 2019, Meeting
- 4. PUBLIC HEARING:** Open Public Hearing to receive input on an application for Zone Change #19-92000005, a request by Francisco and Ileana Saucedo, applicant and owner; for approval of a zone change from General Commercial (GC) to Low Density Residential (R-1), on a 0.29 acre tract of land located at the northeast corner of N 1st St. and W Tyler St., and legally described as Lots 13-16, Block 85, Town of La Porte.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or question)
 - d. Question and Answer
- 5. ADJOURN PUBLIC HEARING**
- 6. CONSIDERATION:** Consider recommendation to City Council on Zone Change #19-92000005
- 7. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 0.29 acre tract of land located at the northeast corner of N 1st St. and W Tyler St., and legally described as Lots 13-16, Block 85, Town of La Porte, from "Commercial" to "Low Density Residential."
- 8. DISCUSSION:**
 - a. High priority Chapter 106 amendments.
- 9. ADMINISTRATIVE REPORTS:**
 - a. Update on City Council Actions.
- 10. COMMISSION COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

11. ADJOURN

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Lee Woodward, City Secretary, at 281-470-5019.

CERTIFICATION

I certify that a copy of the Thursday, September 19, 2019, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2019.

Title: _____

**City of La Porte, Texas
Planning and Zoning Commission**



September 19, 2019

AGENDA ITEM 3

Consider approval of the Meeting Minutes:

a. August 15, 2019

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

**Planning and Zoning Commission
Minutes of August 15, 2019**

Commissioners Present: Chairman Hal Lawler, Nick Barrera, Karen Wheeler-Hall, Christina Tschappat, Mark Follis, Lo Ann Martin, Richard Warren, Jo Ann Pitzer

Commissioners Absent: Commissioner Trey Kendrick

City Staff Present: Assistant City Attorney Clark Askins, Planning and Development Director Teresa Evans, City Planner Ian Clowes, Planning Technician Chase Stewart, City Engineer Lorenzo Wingate

1. CALL TO ORDER:

Chairman Lawler called the meeting to order at 5:59 p.m.

2. ROLL CALL OF MEMBERS:

Commissioner Trey Kendrick was absent for the meeting.

3. Consider Approval of Meeting Minutes:

- a) June 20, 2019 Minutes

Motion by Commissioner Barrera to approve the proposed meeting minutes

Second by Commissioner Warren **Motion to approve carried**

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, Pitzer and Chairman Lawler

Nays: None **Motion to approve passes, 8-0**

4. Public Hearing (6:00 pm): Open public hearing to receive input on an application for Zone Change #19-92000003, a request by Jason W. Bailey, applicant; on behalf of Bayshore Baptist Church, owner; for approval of a zone change from Low Density Residential (R-1) and High Density Residential (R-3) to General Commercial (GC), on a 10 acre tract of land located at 11311 Spencer Hwy., and legally described as a portion of Tracts 71, 71A-1, & 71A-4, La Porte Outlots.

- a) **Staff Presentation:** Ian Clowes, City Planner, presents the zone change request to the Planning and Zoning Commission. It is disclosed that staff determined that the request would not be considered spot zoning.
- b) **Applicant Presentation:** Jason Bailey 11022 Rosewood Court, La Porte TX – Jason Bailey informed the Planning and Zoning Commission what the proposed

development would encompass. Utilized primarily as an office with a minor section of storage of tools/electrical materials.

c) **Public Comments:**

For:

Nicole Halbert - 341 Josh Way: Voiced support

Rick Helton – 345 Josh Way: Voiced support

Ben Rosenberger (Bayshore Baptist Church Pastor): Voiced Support

Bill McDonald - 10323 Shell Rock Rd: Voiced Support

Against:

Edward Stewart – 1106 Glenbay Court: Voiced opposition

Taylor Savington – 349 Josh Way: Voiced opposition

Shane Patterson – Building home in Morgan’s Landing (no address home): Voiced opposition

Jennifer Hammock – 205 Cullen Court: Voiced opposition

- d) **Question and Answer:** Commissioner Follis questioned whether the proposed use, “industrial electrical contractor”, would be permitted in the General Commercial (GC) zoning district. Commissioner Pitzer asked about residential density for the 10 acre property with respect to other development requirements.

Motion by Commissioner Barrera to deny the proposed zone change #19-92000003

Second by Commissioner Warren

Motion to deny carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Pitzer

Nays: Chairman Lawler

Motion to deny passes, 7-1

5. **Future Land Use Map Amendment (7:03 pm):** Consider a recommendation to City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 10 acre tract of land located at 11311 Spencer Hwy., and legally described as a portion of Tracts 71, 71A-1, & 71A-4, La Porte Outlots, from “Public/Institutional” to “Commercial”.

a) **Staff Presentation: N/A**

b) **Applicant Presentation: N/A**

c) **Public Comments: N/A**

d) **Question and Answer: N/A**

Motion by Commissioner Follis to deny the proposed Future Land Use Map amendment.

Second by Commissioner Barrera

Motion to deny carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, and Pitzer

Nays: Chairman Lawler

Motion to deny passes, 7-1

6. **Public Hearing (7:04 pm):** Open public hearing to receive input on an application for Zone Change #19-92000004, a request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owner; for approval of a zone change from General Commercial (GC) to Planned Unit Development (PUD), on a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots.

a) **Staff Presentation:** Ian Clowes, City Planner, presents the zone change request to allow for a multi-family development to be built on the site. Staff has determined that the request is not considered spot zoning.

b) **Applicant Presentation:** Doak Brown – 6212 Berkline, Houston TX: Presented the 290+ unit, “Grade – A” apartment development for the site.

c) **Public Comments:**

For:

Nolan Allen - 110370 N L St: Voiced support

Against:

Edward Stewart - 1106 Glenbay Court: Voiced opposition

Kyle Wilbrook - 3102 Ashton Ln: Voiced opposition

Neutral:

Thomas Garza – 623 S 6th St

d) **Question and Answer:** Commissioner Follis voiced support for the apartment development on the site.

Motion by Commissioner Warren to approve the proposed Zone Change #19-92000004

Second by Commissioner Martin

Motion to approve carried

Ayes: Commissioners Barrera, Wheeler-Hall, Tschappat, Follis, Martin, Warren, Pitzer and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

7. Future Land Use Map Amendment (7:52 pm): Consider a recommendation to City Council on a proposed amendment to Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots, from “Commercial” to “Mid-High Density Residential”.

- a) **Staff Presentation: N/A**
- b) **Applicant Presentation: N/A**
- c) **Public Comments: N/A**
- d) **Question and Answer: N/A**

Motion by Commissioner Warren to approve the proposed Future Land Use Map amendment

Second by Commissioner Barrera

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

8. Public Hearing (7:54 pm): Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #19-91000006, a request by Doak Brown of Brownstone Ventures, LLC, applicant; on behalf of Jack Howard, Floyd Howard, and Larry Allen, owners; to allow for a multi-family development to locate on a 12.608 acre tract of land located at the northwest corner of Fairmont Pkwy., and Canada Rd., and legally described as Tracts 710A and 711, La Porte Outlots.

- a) **Staff Presentation:** Ian Clowes, City Planner, presents the Special Conditional Use for the multi-family development to the commission.
- b) **Applicant Presentation:** Doak Brown – 6212 Berkline, Houston TX: Presented the 290+ unit, “Grade – A” apartment development for the site.
- c) **Public Comments:** N/A
- d) **Question and Answer:** Commissioner Follis confirms the reasoning behind seeking a PUD zoning with a SCUP attachment is because of unique

characteristics of the development that would not meet code otherwise (density, proximity to existing multi-family, etc.)

Motion by Commissioner Warren to approve the proposed SCUP #19-91000006

Second by Commissioner Follis

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

9. **Consideration (8:18 pm):** Consider recommendation to City Council on changes to Chapter 106 “Zoning” of the Code of Ordinances, to adopt procedures for reconsideration of previously denied applications for property zoning classification amendments.

- a) **Staff Presentation:** Ian Clowes, City Planner, asks the Commission for their input regarding alterations to Chapter 106. The proposed changes were received positively from the Commission.

Motion by Commissioner Follis to approve the proposed procedure of “denial with prejudice” for previously denied applications for property zoning classification amendments.

Second by Commissioner Warren

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

10. **Discussion (8:19 pm):**

- a) Selection of Chapter 106 “Zoning” Subcommittee

- Commissioners Tschappat and Pitzer are considered as new members of the Chapter 106 subcommittee. Commissioner Kendrick is removed from the subcommittee.

Motion by Commissioner Wheeler-Hall to approve the appointment of Commissioners Tschappat and Pitzer to the Chapter 106 Subcommittee

Second by Commissioner Martin

Motion to approve carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to approve passes, 8-0

Administrative Reports (8:19 pm): N/A

Commission Comments (8:20 pm): Commissioner Martin shares the progress of Morgan's Landing.

Adjourn (8:30 pm):

Motion by Commissioner Warren to adjourn the meeting

Second by Commissioner Martin

Motion to adjourn carried

Ayes: Commissioners Tschappat, Follis, Martin, Barrera, Wheeler-Hall, Warren, Pitzer, and Chairman Lawler

Nays: None

Motion to adjourn passes, 8-0

Respectfully submitted,

Chase Stewart
Planning Technician

Passed and Approved on _____, 2019.

Hal Lawler
Chairman, Planning and Zoning Commission

Trey Kendrick
Secretary, Planning and Zoning Commission

**City of La Porte, Texas
Planning and Zoning Commission**



September 19, 2019

AGENDA ITEMS 4-6

Zone Change Request #19-92000005

A request by Francisco and Ileana Saucedo, applicant and owner; for approval of a zone change from General Commercial (GC) to Low Density Residential (R-1), on a 0.29 acre tract of land located at the northeast corner of N 1st St. and Tyler St., and legally described as Lots 13-16, Block 85, Town of La Porte.

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval of a change in zoning from General Commercial (GC) to the Low Density Residential (R-1) zoning district; on approximately 0.29 acre tract of land, legally described as Lots 13-16, Block 85, Town of La Porte?

DISCUSSION

Location:

The subject site is located at the northeast corner of N 1st St. and W Tyler St.

Background Information:

The property is currently undeveloped. The applicant would like to change the zoning of the property to R-1 to allow for the construction of a single family home on the site. A similar zone change for the property immediately to the north was approved by the City Council on June 25, 2018.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low Density Residential	Single Family Home
South	GC, General Commercial	Undeveloped
West	R-1, Low Density Residential	Single Family Home
East	GC, General Commercial	Commercial Building/Undeveloped

The site is currently identified as General Commercial in the Future Land Use Map. As a result, in order to rezone the property, the city's Future Land Use Map should be amended to identify this site as Low Density Residential.

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice

mailed to owners of real property within 200 feet of the site within 10 days of the hearing and in this case notice was sent to all property owners and residents within the rezoning area; signs were posted in the area of the rezoning within 15 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City’s website.

Analysis:

There are a number of different considerations staff evaluated during the review of this application. The following describes staff’s analysis of those considerations:

1. *Land Use.* Staff finds that low density residential is an ideal fit for the existing site. The current size and configuration would not lend itself to new commercial projects.
2. *Access.* There is sufficient existing right-of-way access from N. 1st St. and Tyler St.
3. *Utilities.* Water and sewer services are available along N. 1st St. and the alley adjacent to the property on the east.

Additionally, the City’s Comprehensive Plan identifies a number of items to be considered prior to making land use decisions. The following table breaks down each item and staff’s finding:

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed development would be consistent with other properties in the immediate area.
Conformance of a zoning request with the land use plan.	The proposed zone change will be in conformance with the future land use plan once amended to reflect the change to low density residential.
Character of the surrounding and adjacent areas.	The proposed zone change would be consistent with recent development patterns along N. 1 st St.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The proposed use will be consistent with other low density single family in the area.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have minimal impact on the traffic in the vicinity. The R-1 zone should in the end, decrease traffic when compared to commercial projects permitted in the GC zone.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	The proposed zone change will not create excessive air pollution or other negative environmental issues.

The gain, if any, to the public health, safety, and welfare of the City.	The proposed zone change will allow a vacant parcel to develop in a manner consistent with other properties in the area.
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RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission consider the proposed zone change from General Commercial (GC) to Low Density Residential (R-1)

ATTACHMENTS

- Exhibit A: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Application

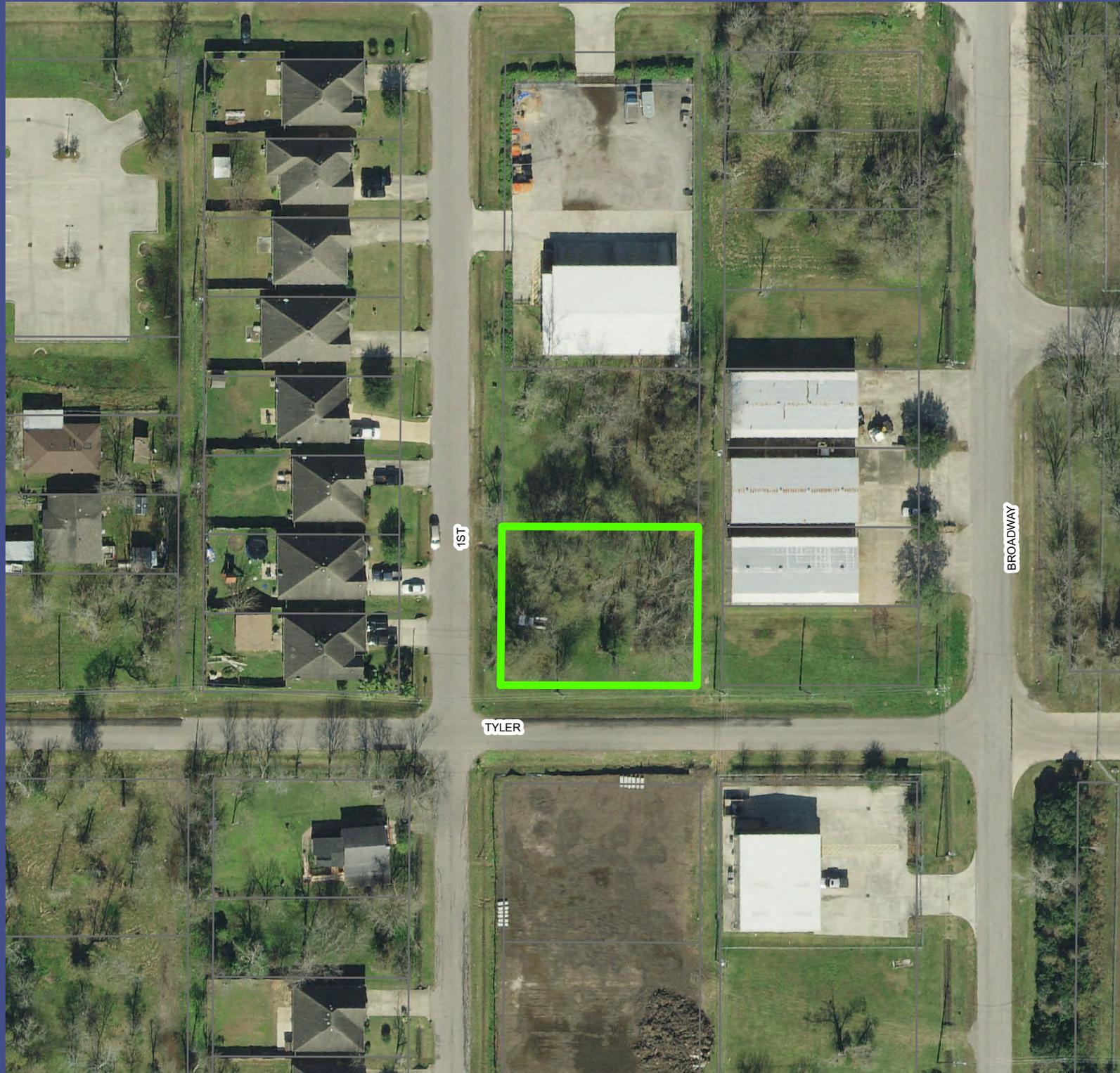


EXHIBIT A

AERIAL MAP

**Zone Change
#19-92000005**

**NE Corner
N. 1st @ Tyler.**

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet



SEPTEMBER 2019
PLANNING DEPARTMENT

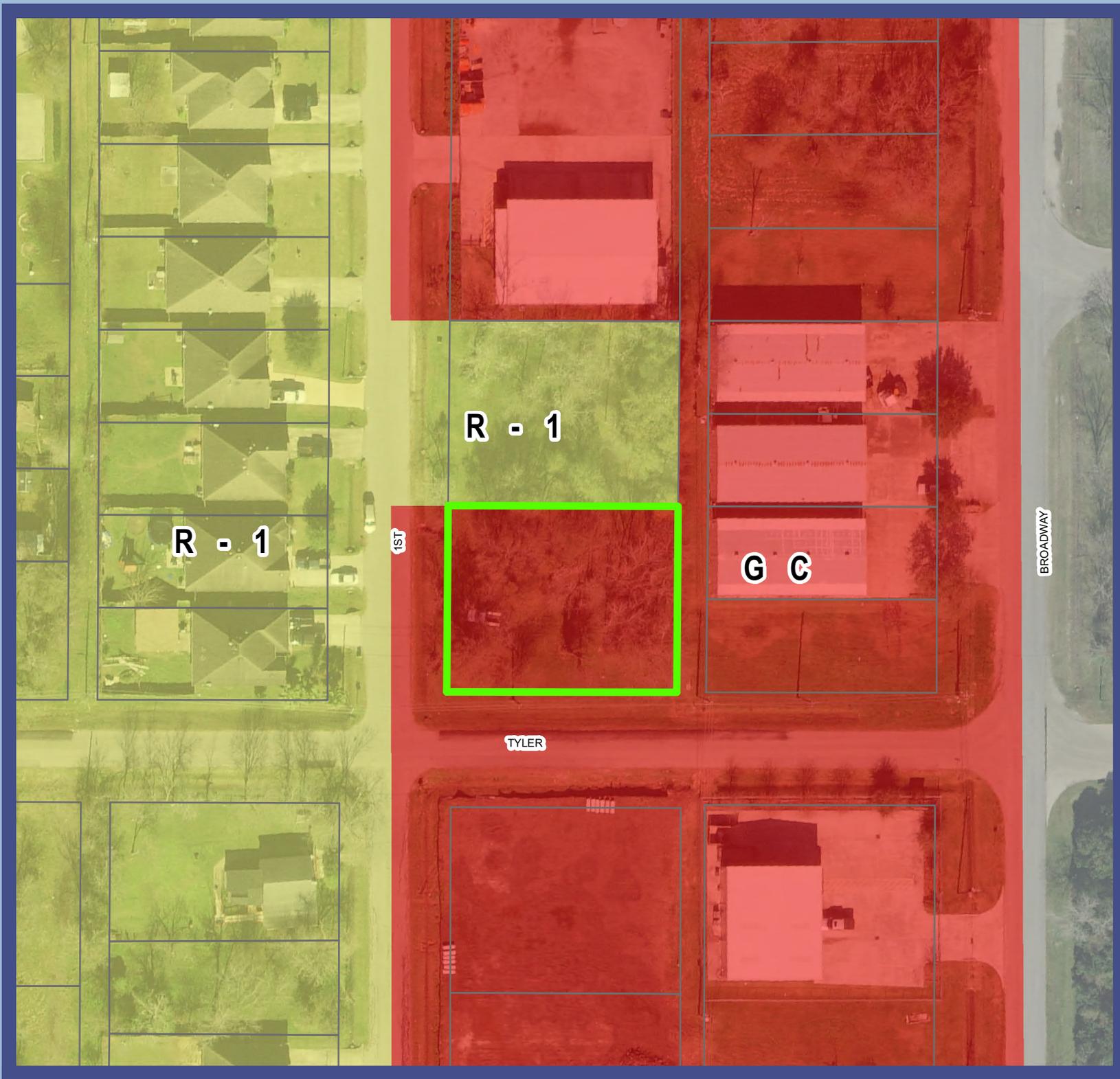


EXHIBIT B
ZONING MAP

Zone Change
#19-92000005

NE Corner
N. 1st @ Tyler.

Legend

 Subject Parcel



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1 inch = 71 feet

SEPTEMBER 2019
 PLANNING DEPARTMENT



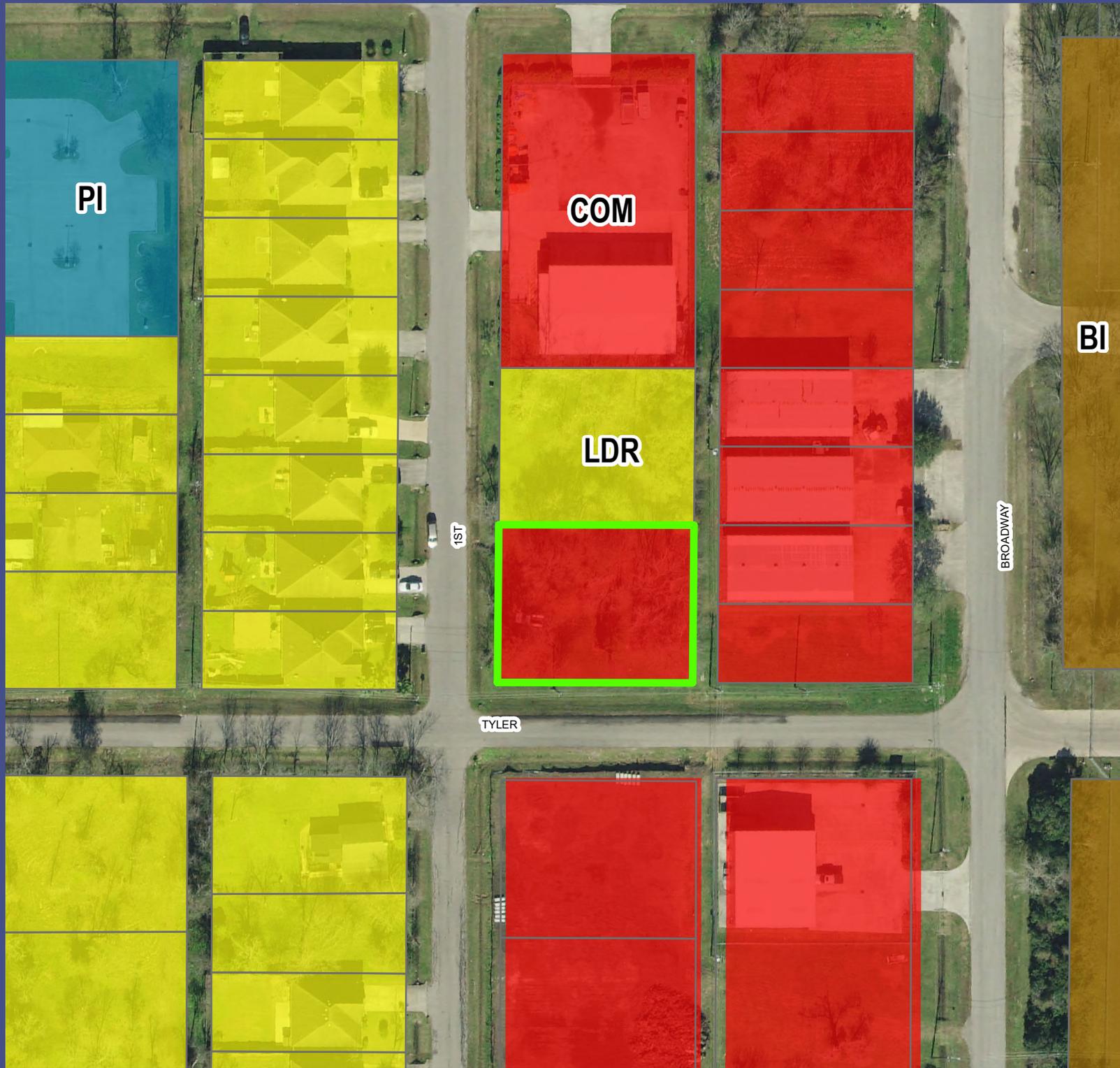


EXHIBIT C
LAND USE MAP

Zone Change
#19-92000005

NE Corner
N. 1st @ Tyler.

Legend

 Subject Parcel



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SEPTEMBER 2019
PLANNING DEPARTMENT



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 0 North 1st Street West La Porte, TX 77571
Legal description where zone change is being requested: LTS 13 14 15 & 16 BLK 85 LA PORTE
HCAD Parcel Number where zone change is being requested: 0232060850013
Zoning District: General Commerical Lot area: 12,500
A request for approval of a zone change is hereby made to the City of La Porte.
Description of Request: GC to R1

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: Francisco and Ileana Saucedo
Company (if applicable): _____
Address: 2721 Martin St
City: Pasadena State: TX Zip: 77502
Phone: 832-597-2309 Email: franksaucedo22@gmail.com

AUTHORIZED AGENT (If other than owner)

Name: _____
Company (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____
Owner(s)' Signature(s): *Francisco and Ileana Saucedo* Date: 8/2/2019

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 0 North 1st Street West La Porte, TX 77571

LEGAL DESCRIPTION: LTS 13 14 15 & 16 BLK 85 LA PORTE

- 2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date:
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Handwritten signature of Francisco and Teana Saucedo
Applicant's Signature

Francisco and Teana Saucedo
Applicant's Printed Name

Subscribed and sworn before me this ___ day of ___, ___ by

(Print Applicant's Name).

Notary Public

(Seal)

My commission expires: _____

**City of La Porte, Texas
Planning and Zoning Commission**



September 19, 2019

AGENDA ITEM 7

Future Land Use Map Amendment #19-92000005

A request for a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 0.29 acre tract of land located at the northeast corner of N 1st St. and Tyler St., and legally described as Lots 13-16, Block 85, Town of La Porte, from "Commercial" to "Low Density Residential."

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Consider a recommendation of approval to the City Council for an amendment to the city's Future Land Use Plan as demonstrated in the attached Exhibits A and B.

DISCUSSION

Staff is presenting for consideration an amendment to the city's Future Land Use Plan in conjunction with a zone change request on a 0.29 acre tract of land from GC to R-1. The site is currently undeveloped and is located at the northeast corner of N 1st St. and Tyler St.

The city's Future Land Use Plan (FLUP) identifies this property as "Commercial" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Low Density Residential" use. The FLUP may be amended from time to time if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use while Exhibit B shows the proposed future land use plan.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Plan, which was adopted as a component of the Comprehensive Plan. The LGC requires review of the proposed amendment by the Planning and Zoning Commission and consideration by the City Council. A public hearing will be scheduled at the time of City Council review.

The Future Land Use Plan identifies the following surrounding land uses (see the attached Exhibit A):

	Land Use	Development
North	Low Density Residential	Single Family Home
South	Commercial	Undeveloped
West	Low Density Residential	Single Family Homes
East	Commercial	Office/Warehouse/Undeveloped

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval for zone change #19-92000005, then the city's Future Land Use Plan should be amended as described in this item.

ATTACHMENTS

- Exhibit A: Current Future Land Use Plan
- Exhibit B: Proposed Future Land Use Plan

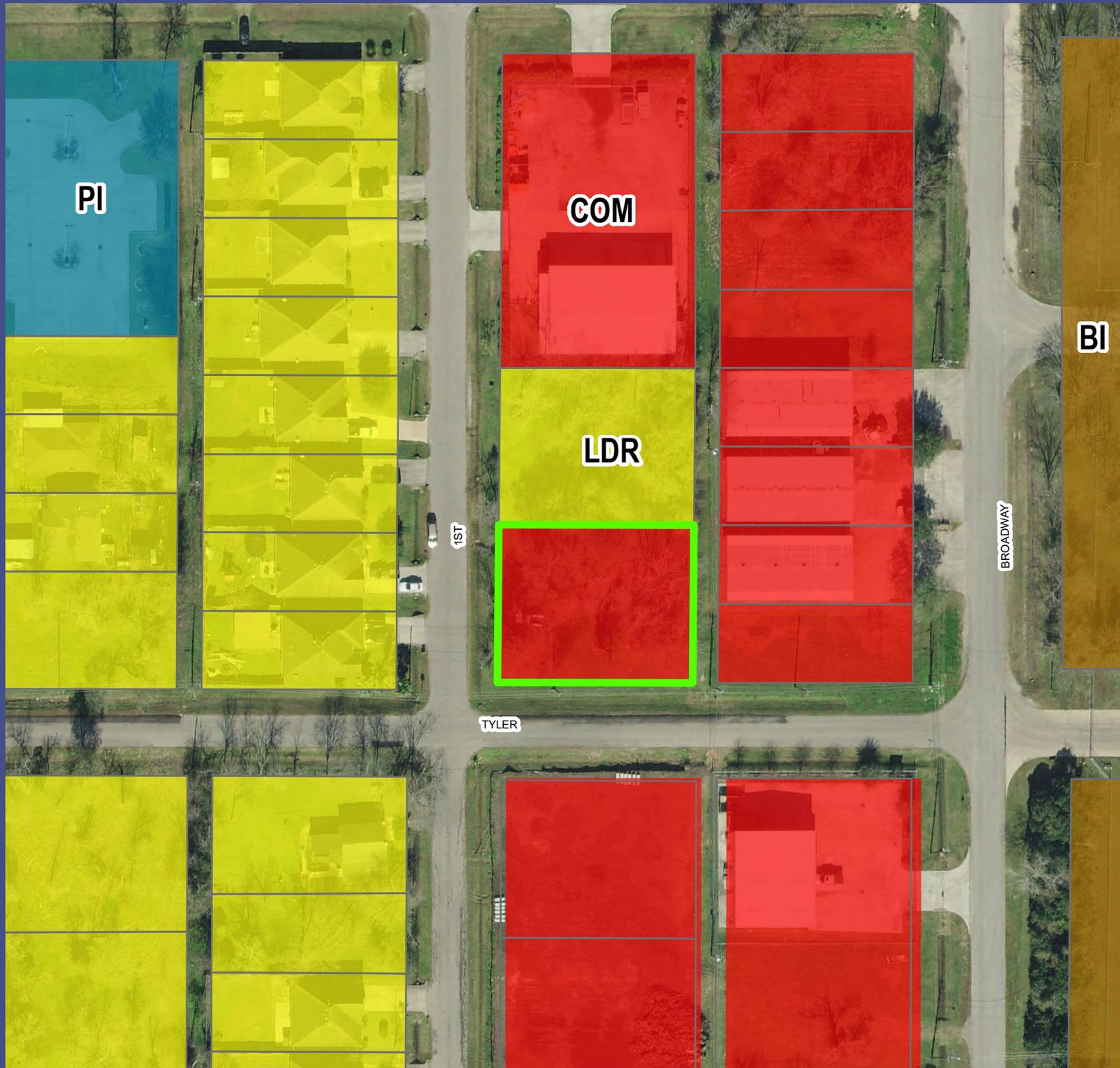


EXHIBIT A

**CURRENT
LAND USE MAP**

**Zone Change
#19-92000005**

**NE Corner
N. 1st @ Tyler.**

Legend

 Subject Parcel



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1 inch = 86 feet



**SEPTEMBER 2019
PLANNING DEPARTMENT**

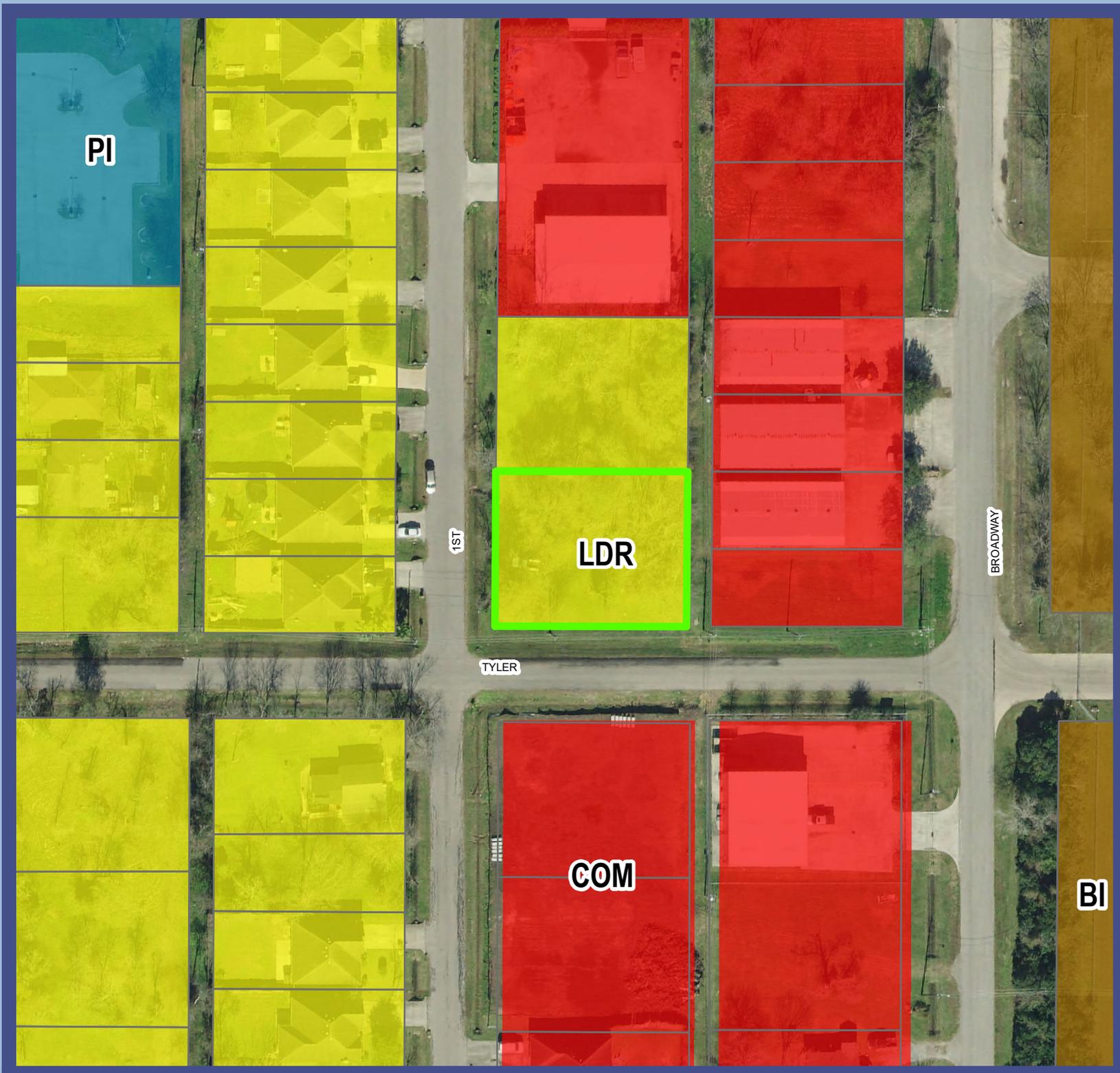


EXHIBIT B

**PROPOSED
LAND USE MAP**

**Zone Change
#19-92000005**

**NE Corner
N. 1st @ Tyler.**

Legend

 Subject Parcel



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**SEPTEMBER 2019
PLANNING DEPARTMENT**

**City of La Porte, Texas
Planning and Zoning Commission**



September 19, 2019

AGENDA ITEM 8-9

DISCUSSION ITEMS/ADMINISTRATIVE REPORTS

- a. High priority Chapter 106 amendments
- b. Update on City Council Action

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Council Action

Application #	Request	Location	P&Z Meeting	P&Z Action	CC Meeting	CC Action
FLUP 19-92000002	Com-LI	S. 16th & M	06.20.19	APPROVE 4-3	08.26.19	APPROVE 6-3
ZC 19-92000002	GC-PUD	S. 16th & M	06.20.19	APPROVE 4-3	08.26.19	APPROVE 6-3
SCUP 19-91000002	Warehouse	S. 16th & M	06.20.19	APPROVE 4-3	08.26.19	APPROVE 6-3
FLUP 19-92000004	COM-MHDR	Canada/Fairmont	08.15.19	APPROVE 8-0	09.23.19	
ZC 19-92000004	GC-PUD	Canada/Fairmont	08.15.19	APPROVE 8-0	09.23.19	
SCUP 19-91000006	Multi-family	Canada/Fairmont	08.15.19	APPROVE 8-0	09.23.19	
ZC 19-92000003	R3-GC	11311 Spencer	08.15.19	DENY 7-1	N/A	Withdrawn
FLUP 19-92000003	MHDR - COM	11311 Spencer	08.15.19	DENY 7-1	N/A	Withdrawn